App. F. IX-4

1940

*Previous References* .93. ( 1 ) Legis

File No. 2-40

Serial Nos. 5-7

*Later References.*

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* Three only

**Part B for** July 1940

**SUBJECT.**

Notification delegating powers under 81(2)(a) of the Defence of India Rule

From

The Secretary to the Hon'ble the Resident

F 35-40/W dated 12th July 1940

forwarding a notification of the Govt. of India delegating powers under 81 (2) (a) of the Defence of India Rules.

Clause (a) of sub-rule (2) of rule 81 of the Defence of India Rules has been amended in British India recently. A copy of the notification is put up.

Under the amended clause (a) the Central Government may by order provide for regulating or prohibiting the keeping storage distribution acquisition use or consumption of articles or things of any description and in particular for prohibiting the withdrawal from sale of articles kept for sale and for requiring articles kept for sale to be sold.

Under clause (b) the Central Government may provide for controlling prices, and under (f) for any incidental and supplementary matters.

The power under Clause (b) was delegated by the Central to Provincial Governments in May 1940 and a copy of the notification is put up.

Under the present notification the power under clause (a) is similarly delegated. Both these apply only in regard to certain articles specified in the first of them. Copies of notifications of the Bombay and Bihar Governments in which action has been taken under this delegated authority

are put up for perusal.

In Mysore under the Defence of India Act as applied to Mysore, the expressions "Central Government" and "Provincial Government" mean the "Government of Mysore" and so no such delegation as has been done in British India is necessary.

Under rule 81 a Notification× was issued even as early as September 1939 to the effect that no person shall sell above prices to be fixed by the Government, certain articles specified in the notification. Under a second notification× issued also in September 1939, the District Magistrates have been empowered to fix maximum prices of the specified commodities (except Petrol) in their Districts.

In these circumstances and if approved, the following action will be taken here:-

(1)The recent amendment of rule 81 will be republished here for general information.

(2)A Notification will be issued adding to the list of commodities ~~for~~ which are required to be sold within the prices to be fixed, the other articles specified in the Government of India Notification of May 1940.

(3)The District Magistrates will be empowered to take action under the amended clause (a) subject to and in accordance with such general instructions as may be issued from time to time by this Government, (excepting as re petrol)

Submitted for orders with three drafts. After issue copies will be sent to the Price Control Committee for

Notifications under rule 81 — Defence of India Rules

General and Revenue Secretariat

Kp. File No. 2 of 194 [App. F. III-2

| Serial No. | |
|---|---|
| | taking necessary action in regard to the new items added to the notification regarding price control. |
| * | GOC 15.7.40. |
| | 1st member Home Law Secy } 2 Drafts may be op/ pm 15.7.4 |
| | Law Secy } 3 1577 |
| | Hm 2 1617/4 |
| | 3 1617/4 |
| | Mu 17/7/40 |
| | MS 17/7 3 1877 |

DEPARTMENT OF COMMERCE.
NOTIFICATION.
Price Control.
The 29th June 1940.

No.501-Ind.-War(19)/40.--In exercise of the powers conferred by sub-section (4) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the power conferred on it by clause (a) of sub-rule (2) of rule 81 of the Defence of India Rules to provide by order for prohibiting the withholding from sale, either generally or to specified persons or classes of persons, of articles or things kept for sale, and for requiring articles or things kept for sale to be sold either generally or to specified persons or classes of persons or in specified circumstances, and the power conferred on it by clause (f) of the said sub-rule to provide for any incidental and supplementary matters for which it is expedient to provide for the purposes of an order made under clause(a) thereof, shall be exercisable also by any Provincial Government (including a Chief Commissioner) subject to the following conditions, namely:-

(1) The said powers shall be exercisable only in respect of the articles specified in the Schedule annexed to the notification of the Government of India in the Department of Commerce, No.501-Ind.-War (11)/40, dated the 25th May 1940.

(2) The said powers shall be exercised in accordance with such general instructions as may be issued from time to time by the Central Government.

A.H.LLOYD

Secretary to the Government of India.

No. F.35-40/W

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

*Dated Bangalore, the* 12th July *1940*

Delegation of powers under rule 81(2)(a) of the Defence of India Rules.

I am directed to forward for information a copy of a Notification by the Government of India, Commerce Department No.501-Ind.-War(19)/40, dated the 29th June

I have the honour to be,
Sir,
Your most obedient servant,

**DEPARTMENT OF COM.**

NOTIFICATION.

*Simla, the 25th May 1940.*

**No. 501-Ind.-War (11)|40.**—In exercise of the powers conferred by sub-section (*4*) of section 2 of the Defence of India Act, 1939 (XXXV of 1939), and in supersession of the Notification of the Government of India in the Department of Commerce, No. 20, dated the 8th September 1939, the Central Government is pleased to direct that the power conferred on it by clause (*b*) of sub-rule (*2*) of rule 81 of the Defence of India Rules to provide by order for controlling the prices at which the articles specified in the Schedule annexed hereto may be sold otherwise than in a primary wholesale market, and the power conferred on it by clause (*f*) of the said sub-rule to provide for any incidental and supplementary matters for which it is expedient to provide for the purposes of an order made under clause (*b*) thereof, shall be exercisable also by any Provincial Government (including a Chief Commissioner) subject to the following conditions, namely :—

(1) The said powers shall, in respect of any imported articles other than salt, kerosene oil and medicines, be exercisable only with the previous sanction of the Central Government.

(2) The said powers shall be exercised in accordance with such general instructions as may be issued from time to time by the Central Government.

*Schedule.*

Grains, pulses and flour.

Gur.

Milk and ghee.

Vegetable oils.

Chillies, turmeric and onions.

Salt.

Dhuties, lungies, saris and shirtings of Indian manufacture, woven from yarn of counts not exceeding 20s. in the warp or the weft.

Kerosene oil.

Charcoal, steam coal and fire wood.

Matches.

Medicines.

Household soap.

Fodder, bran, pollard and oilcakes.

A. H. LLOYD,
*Secy. to the Govt. of India.*

No. 501-Ind.-War (11)|40.

Copy forwarded to :—

All Provincial Governments (with 15 spare copies each with the request that the notification may be reproduced in the Provincial Official Gazettes).

All Chief Commissioners (with 15 spare copies with the request that the notification may be produced in the local official Gazettes where such Gazettes are issued).

The Political Department (with 150 spare copies) with the request that a copy of the notification may be communicated to the Governments of the Indian States concerned, and also to the office of His Highness the Chancellor, Chamber of Princes.

All Departments of the Government of India [including the Defence Co-ordination Department (with 10 spare copies) and the Department of Supply] (70 spare copies to Labour Department only).

The Private Secretary to His Excellency the Viceroy ; the Military Secretary to His Excellency the Viceroy ; Secretary to the Governor General's Executive Council ; Secretary to the Governor General (Public).

The Chief Censor (with 20 spare copies).

The Director General of Commercial Intelligence and Statistics, Calcutta.

The Director General, Posts and Telegraphs, New Delhi.

The Indian Trade Agent, Kabul.

His Majesty's Senior Trade Commissioner in India, Calcutta.

His Majesty's Trade Commissioner, Bombay.

The Canadian Government Trade Commissioner in India.

The American Trade Commissioner in India, Calcutta.

The Consul General for Egypt, Royal Consulate General of Egypt, Bombay.

The Federation of Indian Chambers of Commerce and Industry.

The Associated Chambers of Commerce of India.

All other recognised Chambers of Commerce and Associations.

Copy (with 14 spare copies) also forwarded to the Government of Burma, Commerce and Industry Department, to the Chief Secretary to the Government of Ceylon, Colombo, and to the Civil Secretary to the Government of Aden.

By order, etc.,

T. S. PILLAY,
*Dy. Secy. to the Govt. of India.*

The
# Bombay Government Gazette
## EXTRAORDINARY

PUBLISHED BY AUTHORITY.

TUESDAY, 9TH JULY 1940.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

# PART IV-A

**Rules and Orders (other than those published in Parts I and I-A) made by the Government of Bombay under the Acts of Parliament and the Central Acts.**

## GENERAL DEPARTMENT.

Bombay Castle, 8th July 1940.

Order No. P. 293 (7).—Whereas by Notification No. 501-Ind.-War (11)/40, dated the 25th May 1940, issued by the Government of India, Commerce Department, the Central Government has directed that the powers conferred on it by clauses (*b*) and (*f*) of sub-rule (2) of rule 81 of the Defence of India Rules, to provide by order for controlling the prices at which the articles specified in the Schedule annexed to the said notification may be sold, and to provide for any incidental and supplementary matters for which it is expedient to provide for the purposes of an order made under clause (*b*) of the said sub-rule (2) shall be exercisable also by any Provincial Government subject to the conditions specified in the said notification.

Now, therefore, in exercise of the said powers the Governmen of Bombay is pleased to order that (1) the maximum prices at whic the quantities mentioned in column 2 of the Schedule appende

hereto of the article mentioned in column 1 of the said Schedule [known as Degenan (M and B 693) Tablets] shall be sold, shall not exceed those respectively specified against them in column 3 of the said Schedule and that if the said article is sold in quantities smaller than those mentioned in column 2 of the said Schedule the maximum selling prices thereof shall not exceed the prices arrived at *pro rata* for the quantities sold from the prices specified in column 3 of the said Schedule and that (2) every dealer in the said article shall display and keep displayed in a conspicuous position in his shop or other place of business to the satisfaction of the Controller of Prices within whose jurisdiction his shop or place of business is situated a copy of this Order and of the said Schedule and of a copy of any subsequent amendments made in this Order or the said Schedule :—

# The Bihar Gazette

## EXTRAORDINARY

PUBLISHED BY AUTHORITY.

PATNA, MONDAY, JULY 8, 1940.


## CONTROL OF PRICES.

NOTIFICATIONS

*The 5th July 1940.*

**No. 505-Com.R.**—Whereas by notification no. 501-Ind.-War-(11)/40, dated the 25th May 1940, issued by the Government of India, Department of Commerce, the Central Government has delegated to the Provincial Government, subject to certain conditions, specified in the said notification, the powers conferred on it by clause (*b*) of sub-rule (2) of rule 81 of the Defence of India Rules, to provide by order for controlling the prices at which certain articles may be sold and the power conferred on it by clause (*f*) of the said sub-rule to provide for any incidental and supplementary matters for which it is expedient to provide for the purposes of an order made under the said clause (*b*).

Now, therefore, in exercise of the powers conferred by sub-section (5) of section 2 of the Defence of India Act, 1939 (Act XXXV of 1939), and in supersession of notifications nos. 317-Com.R., dated the 1st June 1940 and 388-Com.R., dated the 15th June 1940, the Governor of Bihar is pleased to direct that, subject to the control of the Provincial Government and to the aforesaid conditions, the power to provide by order for controlling the prices at which the articles mentioned in the Schedule hereto annexed may be sold and the power to provide for any incidental and supplementary matters for which it is expedient to provide for the purposes of any such order shall be exercised and discharged by District Magistrates in their

*Simla, 2nd July 1940.*

ORDINANCE NO. III OF 1940.

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AN

ORDINANCE

further to amend the Payment of Wages Act, 1936.

WHEREAS an emergency has arisen which makes it necessary further to amend the Payment of Wages Act, 1936, for the purpose of enabling an employer to deduct from the wages of a person employed by him sums intended for investment in furtherance of approved War Savings Schemes: IV of 1936.

Now, therefore, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor-General is pleased to make and promulgate the following Ordinance:—

**1.** (*i*) This Ordinance may be called the Payment of Wages (Amendment) Ordinance, 1940.

(*ii*) It shall come into force at once.

**2.** In sub-section (2) of section 7 of the Payment of Wages Act, 1936 (hereinafter referred to as the said Act),

(*a*) the word " and " at the end of clause (*i*) shall be omitted;

(*b*) after clause (*j*) the following word and clause shall be added, namely:

" and

(*k*) deductions, made with the written authorisation of the employed person, in furtherance of any War Savings Scheme, approved by the Provincial Government, for the purchase of securities of the Government of India or the Government of the United Kingdom ".

**3.** In section 13 of the said Act, after the brackets and letter "(*j*)" the words, brackets and letter " and clause (*k*)" shall be inserted.

DRAFT.

P.492 / Lpo 2.40-5 / S 22-7-40.

NOTIFICATION.

The following notification of the Government of India, Defence Co-orgination Department is republished for general information.

By Order

Chief Secretary to Government.

GOVERNMENT OF INDIA.

DEFENCE CO-ORDINATION DEPARTMENT.

Notification.

Simla, the 8th June 1940.

No.366-OR/40.-

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYS

D. Pur 92
Lgs 2-40
Secr

The following notification of the Government of India, Defence Co-ordination Department is republished for general information.

By Order,

2/7/40

Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in part IV and sending 100 spare Copies to this office very early

In exercise of the powers conferred by rule 81 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja hereby direct that the following articles shall be added to the list of articles specified in Notification No.P.1490/Legis dated the 7th September 1939, namely

Legis 2-40-6

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. P493 Legis 2-40-6 b.

General and Revenue Secretariat.

Dated Bangalore... 22/7/40

# NOTIFICATION

In exercise of the powers conferred by rule 81 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja hereby direct that the following articles shall be added to the list of articles specified in Notification No. P. 1490/Legis. dated the 7th September 1939, namely :-

Matches
Household Soap
Fodder, bran, Pollard and Oil cakes.

By Order,

M. K. Haradaraiyengar
Secretary to Government,
Law Department.

Compiler, Mysore Gazette.

DRAFT

NOTIFICATION.

In exercise of the powers conferred by section 2 of the Defence of India Act,1939, as applied to Mysore (Act No.XXVI of 1939), the Government of His Highness the Maharaja are pleased to direct that the powers conferred on it by clause (a) of sub-rule (2) of rule 81 of the Defence of India Rules, as applied to Mysore, to provide by order for prohibiting the withholding from sale, either generally or to specified person or classes of persons, of articles or things kept for sale, and for requiring articles or things kept for sale to be sold either generally or to specified persons or ~~xx~~ classes of persons or in specified circumstances and the power conferred on it by clause (f) of the said sub-rule to provide for any incidental and supplementary matters for which it is expedient to provide for the purposes of ~~xxx~~ an order made under clause (a) thereof, shall be exercisable by Deputy Commissioners of Districts in their respective Districts subject to the following conditions, namely:-

(a)the said powers shall be exercisable only in respect of the articles specified in Notification No.P.1490/Legis dated the 7th September 1939, except Petrol

(b) the said powers shall be exercised in accordance with such general instructions as may be issued from time to time by the Government.

By Order

MK 15/7/39

Secretary to Government
Law Department.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

# NOTIFICATION.

In exercise of the powers conferred by Section 2 of the Defence of India Act, 1939, as applied to Mysore (Act No. XXVI of 1939), the Government of His Highness the Maharaja are pleased to direct that the powers conferred on it by clause (a) of sub-rule (2) of rule 81 of the Defence of India rules, as applied to Mysore, to provide by order for prohibiting the withholding from sale, either generally or to specified persons or classes of persons, of articles or things kept for sale, and for requiring articles or things kept for sale to be sold either generally or to specified persons or classes or persons or in specified circumstances and the power conferred on it by clause (f) of the said sub-rule to provide for any incidential and supplementary matters for which it is expedient to provide for purposes of an order made under clause (a) thereof, shall be exercisable by Deputy Commissioners of Districts in their respective districts subject to the following conditions, namely: -

(a) the said powers shall be exercisable only in respect the articles specified in Notification No.P.1490/Legis. dated 7 September 1939, except Petrol.

(b) the said powers shall be exercised in accordance with such general instructions as may be issued from time to time by the Government.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat,

*Dated Bangalore* 22/7/42 *193*

## NOTIFICATION.

In exercise of the powers conferred by Section 2 o the Defence of India Act, 1939, as applied to Mysore (Act XXVI of 1939), the Government of His Highness the Maharaj are pleased to direct that the powers conferred on it by (a) of sub-rule (2) of rule 81 of the Defence of India ru as applied to Mysore, to provide by order for prohibiting withholding from sale, either generally or to specified p or classes of persons, of articles or things kept for sal for requiring articles or things kept for Sale to be sold generally or to specified persons or classes or persons o specified circumstances and the power conferred on it by (f) of the said sub-rule to provide for any indidential a supplementary matters for which it is expedient to provid purposes of an order made under clause (a) thereof, shall exercisable by Deputy Commissioners of Districts in the two districts subject to the following conditions, na

(a) the said powers shall be exercisable only in the articles specified in Notification No.P.1490/Legis. September 1939, except Petrol.

(b) the said powers shall be exercised in accordance such general instructions as may be issued from time to by the Government